

REMARKS

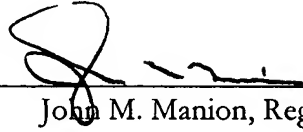
1. Applicants acknowledge that Examiner maintains double patenting rejections of claims 1-6 over Application No. 11/527,293. Without conceding points raised by Examiner, Applicants have cancelled claims 1-19 and 24-25; therefore, Examiner's rejections are moot.
2. Examiner rejected claims 1-6 and 16-25 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants appreciate Examiner's reminder regarding explicitly pointing out where support for all newly claimed features may be found. Applicants apologize for not indicating the supporting portions in the prior amendment. Examiner asserted that "The current specification does not disclose a resilient wing member." Although Applicants have removed the "resilient" feature from claim 1, which is now incorporated into claim 20, Applicants point to at least page 10, lines 3-23, for support of a "resilient wing member." The wing members are disclosed as being "normally biased toward one another by means of a respective spring loaded pin 104 bearing on the respective pivoted arm 92A[.]" In addition, "pressure . . . causes the pivoted arms 92A, 92B to separate relative to one another[.]" Furthermore, "it is to be understood that the present invention may be practiced using wing members 90A, 90B having an inherent bias toward one another and being rigidly suspended from the puck member 32[.]" The word "resilient" is generally understood to mean "returning to the original position; springing back, recoiling, etc." *Oxford English Dictionary*, 714 (2d ed. 2004), attached hereto as Exhibit A. Therefore, Applicants posit that because at least one wing member is disclosed in the specification as being biased by a spring loaded pin, thus returning the wing member to its normally biased position upon removal of an elongate object, the wing member is adapted to return to its original position or to spring back. As a result, Applicants respectfully request reconsideration and withdrawal of the stated rejection.
3. Examiner rejected claims 1-4 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over PCT International Publication No. WO88/01247 to Agüero in view of U.S. Patent No. 4,602,976 to Fukuda et al. and U.S. Patent No. 3,547,737 to Vici. Without conceding points raised by Examiner, Applicants have cancelled claims 1-19 and 24-25; therefore, Examiner's rejections are moot.

4. Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over PCT International Publication No. WO88/01247 to Agüero in view of U.S. Patent No. 4,602,976 to Fukuda et al. and further in view of U.S. Patent No. 6,350,070 to Tasma and U.S. Patent No. 3,547,737 to Vici. Without conceding points raised by Examiner, Applicants have cancelled claims 1-19 and 24-25; therefore, Examiner's rejection is moot.
5. Examiner rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over PCT International Publication No. WO88/01247 to Agüero in view of U.S. Patent No. 4,602,976 to Fukuda et al., and further in view of U.S. Patent No. 3,547,737 to Vici and U.S. Patent No. 4,770,729 to Spencer et al. Without conceding points raised by Examiner, Applicants have cancelled claims 1-19 and 24-25; therefore, Examiner's rejection is moot.
6. Examiner rejected claims 6 and 25 under 35 U.S.C. § 103(a) as being unpatentable over PCT International Publication No. WO88/01247 to Agüero in view of U.S. Patent No. 4,602,976 to Fukuda et al. and further in view of U.S. Patent No. 6,350,070 to Tasma, U.S. Patent No. 3,547,737 to Vici, and U.S. Patent No. 4,055,616 to Keen et al. Without conceding points raised by Examiner, Applicants have cancelled claims 1-19 and claims 24-25; therefore, Examiner's rejection is moot.
7. Applicants acknowledge and appreciate Examiner's indication that claims 20-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Applicants have mooted the rejection under 35 U.S.C. § 112 by removing the "resilient" feature, as it was not relied upon by Examiner in her reasons for indication of allowable subject matter, and Applicants have amended claim 20 to include the rest of the limitations of claim 1. Claim 20 depended directly from claim 1, so there were no intervening claims. As such, claims 20-23 are believed to be in condition for allowance, and Applicants respectfully request passage of thereto.
8. Applicants respectfully request, in the event that any of claims 20-23 are not in condition for allowance, contact be made with the undersigned by telephone so that concerns may be addressed most efficiently.

9. This amendment does not add new matter.

Respectfully Submitted,

By



John M. Manion, Reg. No. 38,957

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226
(262) 783 - 1300

JMM/GKG/jaw
HellermannTyton/ALA100-FOR/080911 Amt. D

Customer No.: 26308

Enclosures: Amendment Transmittal
Exhibit A
Return post card

1700 *KEILL Anim. Section* 43 The Particles which hit against one another do not resile, but unite together. 1738 *BAYNE Gout* 102 An unequal velocity of particles will hinder and disturb their attractions, and by resiling from one another, cause an intestine motion which prevents union. 1803 *Edin. Rev.* VII. 81 The one by impinging on the other must be made to resile, according to the common laws of motion.

b. Of elastic bodies: To return to their original position after being stretched or compressed.

1709 *Phil. Trans.* XXVII. 81 There needs no more for stretching forth the Proboscis thus contracted, but the Fibres to resile to their former Position. 1853 *URE Dict. Arts* (ed. 4) I. 362 The cake of cachetou, after being so condensed, resiles much more considerably than after the compressing action of the screw. 1898 *MANSON Trop. Dis.* xxiii. 374 The drainage tube is allowed slowly to resile towards the fixed end.

5. a. To turn back from a point reached.

1887 *FERGUSON Ogham Inscriptions* 97 Reading up to this digit... and resiling the face.

b. To return to one's original position.

1889 *Ch. Q. Rev.* XXVII. 351 It is impossible to specify any body of men of which so large a percentage has resiled as that of those who have become Roman Catholics during the period of which we are now speaking.

Hence re'siling *vbl. sb.* Also re'silement.

1644 *MAXWELL Prerog. Chr. Kings* 102 The resileing of one partie contractor is not sufficient to void the contract. 1724 *Wodrow's Corr.* (1843) III. 146 A resiling from the declaration made by the Non-subscribers in the Synod. 1822 *C. BUTLER Reminisc.* (ed. 3) 181 Mr. Pitt's resiling from the coalition... will be mentioned in the pages of history with universal commendation. 1884 *OGILVIE S.V. Back adv.* 7. In withdrawal or resilement from an undertaking.

properties or resiliency possessed by the Russian rouble.

resilient (ri'ziliənt), *a.* [ad. *L. resilient-em*, pres. pple. of *resilire* to *RESILE*.]

1. Returning to the original position; springing back, recoiling, etc. Also, looking back.

1644 *BULWER Chiron.* 43 The hand resilient or leaping back to the Northward of the Body. 1706 *PHILLIPS* (ed. Kersey), *Resilient*, leaping back, rebounding, or recoiling. 1822-34 *Good's Study Med.* (ed. 4) III. 191 Absorbing what he calls the resilient pulsations of sound. 1839-48 *BAILEY Festus* xxx. 345 The soul in death resilient Looks back to whence its impulse came. 1880 *BLACKMORE Mary Anerley* III. iv. 60 Never yet looked horse through bridle, without at least one eye resilient towards the charm of headstall.

b. *resilient escapement*, a form of lever escapement used in watches.

1879 *Cassell's Techn. Educ.* IV. 369/2 Another modification, called 'Cole's resilient', consists in the bending of the extreme points of the teeth back [etc.]. 1884 *F. J. BRITTEN Watch & Clockm.* 150 Mr. J. F. Cole devised a resilient escapement without any banking pins.

2. Resuming the original shape or position after being bent, compressed, or stretched.

1674 *PETTY Disc. Roy. Soc.* 122, I think it easiest to consider Elastic, Springing, or Resilient Bodies, as Laminæ, Laths, or Lines. 1767 *GOOCH Treat. Wounds* I. 89 The fibrils of the resilient part of the nerve. 1859 *Todd's Cycl. Anat.* V. 287/2 The power of the heart is materially reinforced by the resilient structure which composes the parietes of the aortic bulb. 1873 *Contemp. Rev.* XXII. 181 His conscience consolidates itself, the original fibres grow firmer, more massive, and more resilient.

b. *resilient stricture* (see quot.).

becomes ex 'resilium'. shells... poss conchyolin less in the c right and let Aragonite is Kingdom of by one or tw rubberlike way as a rub door.

re-silver again; to

1839 in G. Sextants, Q Orr's Circ. 1873 Young glasses can will re-silver (ed. 2) 152 I injured by Forgery iii. 4 many years

† resimat

RE- + sim

1682 GREV or bended u

resin, obs

resin ('res resyn, 6-8



RESISTABLE

b. To withstand the action or effect of (a natural force or physical agency).

1567 *MAPLET Gr. Forest* 2 b. It maketh it able to resist fire. 1687 *A. LOVELL tr. Thevenot's Trav.* I. 6 A white soft Rock... does not long resist the Sea Winds... that eat it away. 1766 *Compl. Farmer s.v. Madder* 5 G 2/1 That which was dyed with the madder... resisted during thirty minutes a boiling which the other could not bear during ten. 1784 *COWPER Task* III. 465 The stable yields a stercoraceous heap... potent to resist the freezing blast.

c. Of immaterial things.

1726-31 *TINDAL Rapin's Hist. Eng.* (1743) II. xvii. 51 If the interest and sollicitations of the King her Husband had not strongly resisted her zeal for her Religion. 1856 *EMERSON Eng. Traits, Race Wks.* (Bohn) II. 21 But whilst race works immortally to keep its own, it is resisted by other forces.

2. Of persons: To withstand, strive against, oppose: a. a person, his will, etc.

1432-50 *tr. Higden (Rolls)* III. 333 This philosophre Demostines resisted the legates of the Molosynes comen to Athenes. c 1460 *FORTESCUE Abs. & Lim. Mon.* (1885) 115 Wherfor thai ben myghty, and able to resiste the aduersaries of this reame. 1530 *PALSGR.* 688/1 He intendeth to take possession here agaynst my wyll, but he shall be resysted. 1593 *SHAKS.* 3 *Hen. VI.* II. v. 79 Thou that so stoutly hath resisted me, Give me thy Gold. 1651 *HOBBS Leviath.* II. xxi. 110 Their Representative had the Libertie to resist, or invade other people. 1672 *PETTY Pol. Anat.* (1691) 47 This Force I take to be sufficient to resist any number of men. 1717 *Pope Iliad* xi. 955 Shall Greece yet stand? Resists she yet the raging Hector's hand? 1771 *Junius Lett.* xlv. (1788) 128 They know, that the present home of

a 1547 *SURREY Ecclesiastes* iv. 31 What can he doo but yeld, that must resist aloone? 1582 *STANYHURST Aeneis* I. (Arb.) 21 Thee storme dyd conquoure, thee ships scant weaklye resisted. 1604 *SHAKS. Oth.* I. ii. 80 Lay hold vpon him, if he do resist Subdue him, at his perill. 1653 *HOLCROFT Procopius, Goth. Wars* I. 30 The Horse-men... having nothing to resist with, are easily shot. 1771 *Junius Lett.* lxiii. (1788) 332 That the counsel did not resist, is true. 1822 *SHELLEY tr. Calderon's Mag. Prodig.* III. 125 How wilt thou then Resist, Justina? a 1862 *BUCKLE Civilis.* (1873) II. viii. 573 The nation not daring, and what was still worse, not wishing, to resist, gave way.

† c. To refuse to do something. *Obs. rare-1.*

1539 *Act 31 Hen. VIII.* c. 4 In case it happen the Mayer... make defaulte of paymente of the saide recompence & satisfaction, and resiste to paye the same.

† 6. To stop; to rest. *Obs.*

c 1470 *HENRY Wallace* VIII. 1090 Bot I rasyt [*v.r.* desist] throw chargis off our consaill, The southmaist part off Ingland we sall se. 1556 *Aurelio & Isab.* (1608) Ov. In yowere hande the goode and the ill of the ladies resistethe.

Hence re'sisted *ppl. a.*

1713 *M. HENRY Folly Despising Wks.* 1853 I. 179/1 The rejected Saviour and the resisted Sanctifier. 1753 *CHAMBERS Cycl. Suppl.* s.v. *Resistance*, When the compression of the fluid is just sufficient to prevent a vacuum behind the resisted body. 1843 *GWILT Archit.* 1024 The resisting and resisted parts are not only contiguous, but cohere.

† re'sistable, *a.* *Obs.* [*f.* *RESIST* v. + *-ABLE*. Cf. *RESISTIBLE a.*]

1. That may be resisted; resistible.

1608 *TORRELL Sermons* (1628) 602 The Sermons of

Suppl. s.v., I velocities. 18 Provided he resistance for MARY KINGS have a great Christians. 21 germs develop a. 2).

b. *Psych*

scious, to have been ive to emel

1905 *Psych* indifference, A. BRILL tr. F with the pres unconscious have to be b certain resista 6 Whenever too obvious ti shows resistat suspecting th 1924 *J. RIVIER* I. 254 It is a to recognize th his disease an 1936 *M. M. G* 52 We have emotional ex SYMONDS Ego